2 August 1978

MEMORANDUM FOR : General Counsel
Director of Security

FROM : S.D. Breckinridge

SUBJECT : HSCA Request of 20 July 1978 - OLC-78-2728

1. Attached is correspondence from the DDO focal point on the HSCA investigation, responding to Question #2 of reference. It states that there are and have been no agreements (at least not as described in the HSCA request) between CIA and the FBI, or other government agencies, that pertain to the Agency's responsibilities to report on U.S. citizens abroad who contact Communist embassies or officials. It also states that current legislation forbids such reporting.

2. Attached are copies of papers collected by O/IG during the Rockefeller Commission's inquiry; I recall that there was a 1966 agreement, which is not in these papers. In any event they do not seem to contain a specific provision such as is envisioned in the report. It is possible that interpretations of NSCID and DCID provisions resulted in routine reporting of such contacts, although there were no agreements, per se, for such action. Since the promulgation of Executive Orders 11905 and 12036 there have been limitations on reporting on U.S. persons, which may affect past practice. However, this office is not in a position to provide an Agency position on this issue.

3. It is requested that you coordinate with the DDO in preparing an answer to an Agency response to the HSCA question.

S.D. Breckinridge

Distribution:
1 - General Counsel
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1 - Mr. Shepanek

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	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
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Remarks:

Expansion of DCD-FBI Relationship
Book Dispatch 9335 of 18 Feb 1975

Two sanitized copies ready for Mr. Knoche.

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FROM: NAME, ADDRESS AND PHONE NO.	DATE
Walter F. Little	3/18/75

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Remarks:

2 copies each of the attached sent to Mr. Knoche via IG
3/18/75

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TELEPOUCH BOOK DISPATCH 9335

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CL BY: 02361870

TO: FR/ATLANTA, FR/CHICAGO, FR/CLEVELAND, FR/BOSTON, FR/SAN FRANCISCO, FR/LOS ANGELES, FR/NEW YORK, FR/WASHINGTON.

S E C R E T TELEPOUCH

DISP NO: BD 9335 22 12 52z FEB 74

DATE: 18 FEBRUARY 1974

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TO: CHIEF OF BASE, ATLANTA; CHIEF OF BASE, BOSTON; CHIEF OF BASE, LOS ANGELES; CHIEF OF BASE, CHICAGO; CHIEF OF BASE, CLEVELAND; CHIEF OF BASE, SAN FRANCISCO; CHIEF OF BASE, NEW YORK; CHIEF OF BASE, WASHINGTON

FROM: CHIEF, FOREIGN RESOURCES DIVISION

SUBJECT: RELATIONS WITH THE FBI

1. ATTACHED HEREWITH IS THE SUBSTANCE OF A LETTER FROM FBI HQS TO ITS EIGHT FIELD OFFICES IN CITIES WHERE FR BBASES ARE LOCATED. THIS LETTER IS AIMED AT CLARIFYING A NUMBER OF BASIC FACTS REGARDING THE MISSIONS OF DDO IN GENERAL AND FR DIVISION ACTIVITIES IN THE USA IN PARTICULAR, AND IT SPELLS OUT IN SOME DETAIL OUR AGREED INTERPRETATION OF SOME OF THE HISTORICALLY MORE TROUBLESOME ASPECTS OF THE 1966 AGREEMENT.

DATE: 15 FEB 74
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UNIT: FR/COPS
EXT: 5885

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2. WE WERE ESPECIALLY GRATIFIED WITH THE OPENING PARAGRAPHS OF THE LETTER WHICH EMPHASIZE THE FACT THAT FR IS CARRYING OUT A U.S. GOVERNMENT REQUIREMENT IN ITS RECRUITMENT OF FOREIGN INTELLIGENCE SOURCES, AND THAT THIS ACTIVITY IS BEING CONDUCTED IN THE USA WITH FULL BUREAU CONCURRENCE. ANOTHER BASIC POINT WHICH THE LETTER MAKES IS THAT THE PURPOSE OF THE GUIEDELINES {1966 AGREEMENT} IS TO PROTECT THE BEST INTERESTS OF THE U.S.EGOVERNMENT, NOT ENABLE THE BUREAU TO MONITOR OUR OPERATIONS.

3. THERE WAS CONSIDERABLE DISCUSSION INVOLVED IN DRAFTING THIS LETTER, BUT NO REAL STICKY DIFFERENCES AROSE. WE BELIEVE IT MIGHT BE USEFUL TO GIVE ADDRESSEES SOME OF THE HIGHLIGHTS OF THESE DISCUSSIONS AS BACKGROUND FOR ANY TALKS YOU MAY HAVE ON THESE SUBJECTS WITH YOUR FIELD OFFICE CONTACTS. THESE ARE SET OUT BELOW:

A. PAGE 2, LAST PARAGRAPH: ON THE QUESTION OF WHAT FOREIGN OFFICIALS ARE OF "PRESUMED INTEREST" TO THE BUREAU; WE AGREED THAT THIS CATEGORY CHANGED WITH WORLD DEVELOPMENTS AND THAT FR WOULD SIMPLY USE A COMMON SENSE JUDGMENT TO MAKE ITS CASE BY CASE DETERMINATION. WE AGREED THAT TRYING TO BROADEN OR LIMIT THE CATEGORY BY

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FURTHER DEFINITION WAS NOT PRACTICAL.

B. PAGE 3, TOP PARAGRAPH: PLEASE NOTE THAT THE CRITERION OF OVERLAP AND/OR CONFLICT IS USED THERE THE SAME AS IN THE '66 AGR MENT PARAGRAPH TWO CONCERNING BUREAU CONCURRENCE FOR RECRUITMENT APPROACHES.

C. PAGE 3, BOTTOM PARAGRAPH: ALTHOUGH WE ARE REQUIRED ON TO KEEP FBI APPRISED OF INFORMATION RELATING TO ITS COUNTERINTELLIG AND INTERNAL SECURITY RESPONSIBILITIES, WE CONCURRED IN THIS REQUES FOR MORE DETAILED AND TIMELY REPORTING ON CERTAIN CASES SINCE WE CONSIDERED THE DETAIL ASKED FOR TO BE OF DEMONSTRABLE CI VALUE AND TIME LIMITS TO BE REASONABLE. THE BUREAU WAS COMPLETELY AMENABLE T LIMITING SUCH REQUIREMENTS TO CASES WHEREIN THEIR STATUTORY RESPO SIBILITIES WERE CLEARLY INVOLVED, AND WE WERE PARTICULARLY PLEASED THE ADDITIONAL AGREEMENT ALLOWING THE FIELD OFFICES AND THE FR BAS TO WORK OUT THE LOCAL HANDLING OF ALL OTHER CASES, INCLUDING [illegible] SPECIFICALLY THE "PRIOR NOTICE" REQUIREMENT OF PARAGRAPH THREE OF '66 AGREEMENT. (NOTE THAT THIS ENTIRE PORTION OF THE LETTER INVOL TARGETS WHICH ARE HISTORICALLY AS WELL AS PRACTICALLY, IN THE BURE

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"COUNTERINTELLIGENCE ETERRITORY".) IT SHOULD ALSO BE NOTED THAT THE BUREAU HAS ALREADY AGREED TO PROVIDE US WITH CERTAIN TYPES OF OPERATIONAL INFORMATION IN EXCESS OF ANY EXISTING AGREEMENT, AND WE HAVE RECEIVED INITIALLY FAVORABLE REACTION TO PROPOSALS FOR ADDITIONAL ITEMS IN THE FUTURE. WE DO NOT BELIEVE THIS REPORTING AGREEMENT WILL CAUSE YOU ANY SERIOUS PROBLEMS, BUT IF IT SHOULD BE BROADENED OR INTERPRETED IN A WAY THAT YOU CONSIDER UNREASONABLE OR BURDENSOME, PLEASE ADVISE AND WE WILL TRY TO HAVE THE CRITERIA DEFINED MORE EEEEEE CLEERUBEOSELY.

D. PAGE 4, BOTTOM PARAGRAPH: WE HAD CONSIDERABLE DISCUSSION ON THIS SUBJECT. THE EBUREAU FELT THAT IN SOME INSTANCES WE WERE "STRETCHING" THE ASSESSMENT PROCESS INTO THE FIRST STAGES OF RECRUITMENT, AND IN SOME OTHERS WE WERE MOVING INTO RECRUITMENT WITHOUT FORMALLY SEEKING BUREAU CONCURRENCE AND COORDINATION. GOOD FAITH BEING PRESUMED, IT BECAME APPARENT THAT OUR PROBLEM WAS BOTH SEMANTIC AND ONE OF DEFINITION. THE BUREAU INSISTS, AND WE RECOGNIZE, THAT CONCURRENCE IN OUR PROCEEDING WITH ASSESSMENT CANNOT BE INTERPRETEED AS CONCURRENCE TO MOVE BEYOND ASSESSMENT. THEY EXPLAIN THAT THEY

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OFTEN CONCUR IN OUR ASSESSMENT OF TARGETS IN WHOM THEY HAVE A VE ACTIVE "RECRUITMENT INTEREST" WITH BUREAU SOURCES IN TOUCH, ETC. HENCE, BEFORE THE AGENCY MOVES INTO THE ACTUAL RECRUITMENT OPERA THE BUREAU NEEDS SPECIFIC NOTICE IN ORDER TO ASSESS ITS OWN COUN INTELLIGENCE OR INTERNAL SECURITY EQUITIES AND MAKE A DECISION.

THE DEFINITIONS OF "ASSESSMENT" AND "RECRUITMENT" IN THE LE SHOULD BE CONSIDERED TOGETHER; THE ONLY POSSIBLE AREA OF CONFUSI WOULD SEEM TO BE IN THE "PROCESS" OF RECRUITMENT. A SIMPLIFIED COMMON SENSE BREAKDOWN WOULD BE THAT ASSESSMENT IS THE OBTAINING AND ANALYZING OF INFORMATION CONCERNING A TARGET INDIVIDUAL TO E US TO DETERMINE WHETHER OR NOT IT IS DESIRABLE AND/OR FEASIBLE T MOUNT A RECRUITMENT APPROACH; IF OUR ASSESSMENT IS AFFIRMATIVE, THEN MOVE INTO THE RECRUITMENT PHASE - PRIOR TO WHICH MOVE WE MU SEEK BUREAU CONCURRENCE AND COORDINATION.

WE INTERPRET MANIPULATION OF A TARGET VIA SOCIAL CONTACTS, MANY CASES BY OVERT, LEGAL, NONCOMPROMISING BUSINESS ARRANGEME TO BE PART OF THE ASSESSMENT PROCESS; THAT IS, AN ATTEMPT TO OBT INFORMATION REGARDING HIS VULNERABILITY, STRENGTH, IDEOLOGY,

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ASPIRATIONS, ETC., ALL OF WHICH ARE PERTINENT TO OUR DECISION TO OR NOT GO" FOR A RECRUITMENT APPROACH. ON THE OTHER HAND, WE IN' PRET A COMMERCIAL ARRANGEMENT WHICH IS IN ANY WAY COVERT OR QUAS: LEGAL OR IS A PLANNED STEPEPING STONE TO THE PLANNED INTRODUCTIOI U.S. GOVERNMENT INTEREST, TO BE PART OF THE RECRUITMENT PROCESS / TO REQUIRE PRIOR BUREAU CONCURRENCE.

E. PAGE 4, BOTTOM PARAGRAPH: BASES WILL NOTE THAT WE AGREED TO CONSIDER AGENTS RECRUITED IN THE U.S. WHO EREMAIN HERE. SAME AS AGENTS RECRUITED ABROAD WHO COME HERE FOR TOURS OR VISITS ALTHOUGH ONLY THE LATTER ARE SPECIFIGED IN THE AGREEMENT, WE FELT IMPLICITLY IT INCLUDED THE FORMER. WE FEEL THAT OUR EQUITIES ARE ADEQUATELY PROTECTED BY THE VERY SPECIFIC TERMINOLOGY OF PARAGRAF FIVE AND SIX OF THE E966 AGREEMENT. NOTE ALSO THAT ALTHOUGH THE PROVISIONS OF PARAGRAPHS FOUR, FIVE AND SIX OF THE 01966 AGREEMEN ARE ALL-ENCOMPASSING, WE ARE IN PRACTICE CONCERNED ONLY WITH THOS AGENTS, OPERATIONS AND SOURCES WHO HAVE REAL OR POTENTIAL CONTACT OR CAPABILITY IN THE FIELDS OF COUNTERINTELLIGENCE AND/OR INTERNA SECURITY; THAT IS, WHO ARE OF KNOWN OR PRESUMED INTEREST TO THE

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BUREAU. IT IS INCUMBENT UPON US, HOWEVER, TO BE METICULOUS IN (
DETERMINATION OF "PRESUMED" INTEREST AND TO LEAN TOWARDS THAT PF
SUMPTION WHEREVER THERE IS ANY DOUBT

4. FILE: 100-002-090.

ATTACHMENT - FBI LETTER, AS STATED ABOVE - H/W

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